

Department of Planning, Building and Code Enforcement JOSEPH HORWEDEL, DIRECTOR

INITIAL STUDY

PROJECT FILE NO.: PDC06-082

PROJECT DESCRIPTION: Planned Development Rezoning from R-1-5 to A(PD) Planned Development Zoning, to allow 6(six) single-family detached residences of which two residences are existing on a 0.80 gross acre site.

PROJECT LOCATION: North side of Elden Drive, approximately 500 feet easterly of South Bascom Avenue.

GENERAL PLAN DESIGNATION: Medium Low Density Residential (8.0 DU/AC)

ZONING: R-1-5 Residence Zoning District.

SURROUNDING LAND USES / GENERAL PLAN / ZONING:

North: Office Building/Medium High Density Residential (12-25 DU/AC)/CP- Commercial Pedestrian

South: Residential /Medium Low Density Residential (8.0 DU/AC)/ R-1-5 East: Residential/ Medium Low Density Residential (8.0 DU/AC)/ R-1-5 & RM West: Senior Residence/ Office/ A(PD) Planned Development Zoning District

PROJECT APPLICANT'S NAME AND ADDRESS:

Richard S. McLeod, 679 Elden Drive, Campbell, CA 95008. John A. Giosso, 681 Elden Drive, Campbell, CA 95008

DETERMINATION

On the basis of this initial study:

	I find the proposed project could not have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.						
\boxtimes	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the project proponent has agreed to revise the project to avoid any significant effect. A MITIGATED NEGATIVE DECLARATION will be prepared.						
	I find the proposed project could have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT(EIR) is required.						
	I find the proposed project could have a significant effect on the environment, but at least one effect has been (1) adequately analyzed in a previous document pursuant to applicable legal standards, and (2) addressed by mitigation measures based on the previous analysis as described in the attached initial study. An EIR is required that analyzes only the effects that were not adequately addressed in a previous document.						
	I find that although the proposed project could have a significant effect on the environment, no further environmental analysis is required because all potentially significant effects have been (1) adequately analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (2) avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are included in the project, and further analysis is not required.						
May 13 Date	Signature Name of Preparer: Suparna Saha						
	Phone No.: (408) 535-7830						

File No. PDC06-082 IS MND.doc			P	age No.	2
Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
I. AESTHETICS - Would the project:					
a) Have a substantial adverse effect on a scenic vista?				\boxtimes	1,2
b) Substantially damage scenic resources, including, but not limited to, trees, rock out-croppings, and historic buildings within a state scenic highway?			\boxtimes		1,2
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			\boxtimes		1,2
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?			\boxtimes		1,2
e) Increase the amount of shade in public and private open space on adjacent sites?			\boxtimes		1,2
Planning Staff to ensure compatibility with the surrounding neigl of six dwelling units where two are currently existing. MITIGATION MEASURES: None Required. II. AGRICULTURE RESOURCES - Would the project:	ibornood.	The proposed	project w	ourd Cr	eate a total
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				\boxtimes	1,3,4
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				\boxtimes	1,3,4
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				\boxtimes	1,3,4
FINDINGS: The project site is not located in an area identified a zoned for agricultural use. The project site is not under the Willia result in a significant impact on the City's or Region's agricultural MITIGATION MEASURES: None Required III. AIR QUALITY - Would the project:	ımson's A	ct. Therefore,			
	T				T
a) Conflict with or obstruct implementation of the applicable air quality plan? b) Violete any air quality standard or contribute substantially to an					1,14
b) Violate any air quality standard or contribute substantially to an	\sqcup			\boxtimes	1,14

existing or projected air quality violation? c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment \boxtimes 1,14 under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)? \boxtimes d) Expose sensitive receptors to substantial pollutant concentrations? 1,14 e) Create objectionable odors affecting a substantial number of \boxtimes 1,14 people?

Issues	Potentially Significant Impact	Significant With	Less Than Significant Impact	No Impact	Information Sources
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FINDINGS: Temporary Air Quality impacts may result from demolition of the existing structure(s), excavation of soil, and other construction activities on the subject site. Implementation of the mitigation measures listed below will reduce the temporary construction impacts to a less than significant level.

The City of San Jose uses the threshold of significance of significance established by the Bay Area Air Quality Management District (BAAQMD) to assess air quality impacts. Based on the BAAQMD threshold of significance, projects that generate fewer than 2,000 vehicle trips per day are not considered major air pollutant contributors and do not require a technical air quality study. As this project will generate approximately 60 vehicle trips per day, no air quality study was prepared for this project.

Public Works Staff has indicated that the project is exempt from the Level of Service (LOS) Policy, and no further LOS analysis is required because the project proposes less than 13 units of single-family detached.

MITIGATION MEASURES: The following construction practices shall be implemented during all phases of construction for the proposed project.

- Water all active construction areas at least twice daily and more often during windy periods to prevent visible dust from leaving the site; active areas adjacent to windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard.
- Pave, apply water at least three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily (or more often if necessary) to prevent visible dust from leaving the site (preferably with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality; and
- Sweep streets daily, or more often if necessary (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.

IV. BIOLOGICAL RESOURCES - Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			\boxtimes	1,10
b) Have a substantial adverse effect on any aquatic, wetland, or riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				1,6,10
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption, or other means?				1,6
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		\boxtimes		1,10

Issues	Potentially Significant Impact	Ciamiticant With	Less Than Significant Impact	No Impact	Information Sources
e) Conflict with any local policies or ordinances protecting biological	Г				T 1
resources, such as a tree preservation policy or ordinance?		\boxtimes			1,11
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				\boxtimes	1,2

FINDINGS: A tree survey titled, "Preliminary Tree Report" at 679 & 681 Elden Drive, by The F.A. Bartlett Tree Experts Co. is included in the appendices.

The City of San Jose has established regulations for removal of landscape trees at least 56 inches in circumference or 18 inches in diameter measured two feet above grade. The proposed project will obtain a permit for the removal of ordinance-sized trees and provide for the replacement of removed trees in conformance with the City of San José Tree Ordinance. There are currently 44 trees on the site, ranging from 2 inches to 38 inches in diameter. The proposed development will result in the removal of 14 trees, 1 of which is ordinance-sized tree, which is a less than significant impact. However, as a standard permit condition, all trees that are to be removed shall be replaced at the following ratios:

	Ту	pe of Tree to be Rei	76 C 67 1	
Diameter of Tree to be Removed	Native	Non-Native	Orchard	Minimum Size of Each Replacement Tree
18 inches or greater	4:1	4:1	4:1	24-inch box
12 - 18 inches	2:1	2:1	none	24-inch box
less than 12 inches	1:1	1:1	none	15-gallon container

x:x =tree replacement to tree loss ratio

Note: Trees greater that 18" diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.

No rare, threatened, or special status species of flora or fauna are known to inhabit the site.

The project site may provide habitat for wildlife species associated with urban areas. Trees in urban areas provide food and cover for wildlife adapted to this environment, including birds such as house finch, mourning dove, house sparrow, and Brewer's blackbird. In addition, mature trees on the project site may provide nesting habitat for raptors (birds of prey). Raptors and their nests are protected under the Migratory Bird Treaty Act of 1918 and California Department of Fish and Game (CDFG) Code Sections 3503 and 3503.5. Despite the disturbed nature of the site, there remains the potential for raptors to nest in these trees. No other rare, threatened, or endangered animal species were observed on the project site, nor are any expected to occur since the area is generally developed.

All tree preservation, protection and transplanting shall be executed by a qualified arborist. (For more details please refer to the Tree Report). Retaining walls of approximately 2 feet in height may be required to be installed in order to protect the tree trunks and root system. This shall be implemented at the Planned Development Permit stage to the satisfaction of the Director of Planning, Building and Code Enforcement.

The species and exact number of trees to be planted on the site will be determined in consultation with the City Arborist and the Department of Planning, Building, and Code Enforcement. In the event the developed portion of the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented at the permit stage:

• An alternative site(s) will be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of the Department of Planning, Building, and Code Enforcement

Issues	Potentially Significant Impact	Significant With	Less Than Significant Impact	No Impact	Information Sources
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- A donation of \$300 per mitigation tree to Our City Forest (a non-profit organization) for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting will be provided to the Planning Project Manager prior to issuance of development permit.
- The following tree protection measures will also be included in the project in order to protect trees to be retained during construction:
- Pre-construction treatments
 - 1. The applicant shall retain a consulting arborist. The construction superintendent shall meet with the consulting arborist before beginning work to discuss work procedures and tree protection.
 - 2. Fence all trees to be retained to completely enclose the TREE PROTECTION ZONE prior to demolition, grubbing or grading. Fences shall be 6 ft. chain link or equivalent as approved by consulting arborist. Fences are to remain until all grading and construction is completed.
 - 3. Prune trees to be preserved to clean the crown and to provide clearance. All pruning shall be completed or supervised by a Certified Arborist and adhere to the Best Management Practices for Pruning of the International Society of Arboriculture.

During construction

- 1. No grading, construction, demolition or other work shall occur within the TREE PROTECTION ZONE. Any modifications must be approved and monitored by the consulting arborist.
- 2. Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by, the consulting arborist.
- 3. Supplemental irrigation shall be applied as determined by the consulting arborist.
- 4. If injury should occur to any tree during construction, it shall be evaluated as soon as possible by the consulting arborist so that appropriate treatments can be applied.
- 5. No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the TREE PROTECTION ZONE.
- 6. Any additional tree pruning needed for clearance during construction must be performed or supervised by an Arborist and not by construction personnel.
- 7. As trees withdraw water from the soil, expansive soils may shrink within the root area. Therefore, foundations, footings and pavements on expansive soils near trees shall be designed to withstand differential displacement.

V. CULTURAL RESOURCES - Would the project:

a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines §15064.5?			1,7
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?			1,8
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?			1,8
d) Disturb any human remains, including those interred outside of formal cemeteries?			1,8

Issues	Potentially Significant Impact	Significant With	Less Than Significant Impact	No Impact	Information Sources
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FINDINGS: The site is not recorded as an archaeological sites area within half-mile of the subject site.

FINDINGS: The City of San Jose's Historic Preservation Officer, after review of the existing structures concluded that the existing single-family residences on the site and property do not have historical significance at either the national, state, or city level.

STANDARD MEASURES:

Archaeology. There shall be monitoring of site excavation activities to the extent determined by a qualified professional archaeologist to be necessary to insure accurate evaluation of potential impacts to prehistoric resources.

Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

VI. GEOLOGY AND SOILS - Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
1) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)			\boxtimes	1,5,24
2) Strong seismic ground shaking?				1,5,24
3) Seismic-related ground failure, including liquefaction?	\boxtimes			1,5,24
4) Landslides?			\boxtimes	1,5,24
b) Result in substantial soil erosion or the loss of topsoil?		\boxtimes		1,5,24
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				1,5,24
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			\boxtimes	1,5,24
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?			\boxtimes	1,5,24

FINDINGS: A geotechnical report titled, "Soils and Foundation Investigation of Proposed Residential Development, 679-681 Elden Drive, Campbell, California", American Soil Testing, Inc. was prepared and is included in the appendices. The report stated that the site has a low to moderate expansion potential when subjected to fluctuations in moisture. The report concluded that the site is suitable for proposed development with the recommendations as set forth in the report.

Issues	Potentially Significant Impact	Significant With	Less Than Significant Impact	No Impact	Information Sources
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The project site is located within the seismically active San Francisco region, which requires that the building be designed and built in conformance with the requirements of the 1997 Uniform Building Code for Seismic Zone 4. The potential for geologic and soils impacts resulting from conditions on the site can be mitigated by utilizing standard engineering and construction techniques. As the project includes these required measures, the potential for seismic impacts will be less than significant.

Because the potential for liquefaction on the site is considered high, liquefaction and differential settlement could occur on the site during an earthquake. The proposed structures on the site would be designed and constructed in conformance with the Uniform Building Code Guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking on the site. Conformance with standard Uniform Building Code Guidelines would minimize potential impacts from seismic shaking on the site. Therefore, this impact is considered less than significant. The site is not subject to landslides because it is generally flat.

Prior to issuance of a Public Works Clearance, the developer must obtain a grading permit before commencement of excavation and construction. Implementation of standard grading and best management practices would prevent substantial erosion and siltation during development of the site. The Project site is within the State of California Seismic Hazard Zone. A soil investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CDMG Special Publication 117) and the Southern California Earthquake Center ("SCEC" report). A recommended depth of 50 feet should be explored and evaluated in the investigation.

MITIGATION MEASURES: Implementing the following measures would mitigate the impacts described above:

- The site shall be underlain by a minimum of 12 inches of non-expansive fill layer or lime –treated native soil material with 4% quick lime and compacted to at least 90% relative maximum density.
- Building pads should be elevated above the adjacent ground to promote proper drainage and diversion of water away from building foundations.
- For trenches excavated greater than 5 feet in depth, shoring will be required.
- All water well (if encountered in the field) shall be capped according to the requirements of the Santa Clara Valley
 Water District. The final elevation of top of the well casing must be a minimum of 36 inches below any adjacent
 grade prior to any grading or fill operation. In no case should any structural foundation be placed over the capped
 well.

VII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

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			1
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			1
		\square	1,12
			1,12

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
e) For a project located within an airport land use plan or, where such	1				
a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				\boxtimes	1,2
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				\boxtimes	1
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?					1,2
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				\boxtimes	1

FINDINGS: A soils report titled, "Limited Phase II Site Investigation of 679-681 Elden Drive, Campbell, California", was prepared by PIERS Environmental Services, Inc. and is included in the appendices. The report concluded that there was no evidence of known recognizable environmental conditions on connection with the site. The City of San Jose's Municipal Environmental Compliance Officer has reviewed the report and concluded that no additional testing is required.

STANDARD MEASURES:

- Development of the proposed project will require the demolition of a one-story building, metal garage, garage/shed structures on the site, which may contain asbestos materials and/or lead-based paint. In conformance with State and Local laws, a visual inspection/pre-demolition survey, and possible sampling, will be conducted prior to the demolition of the building to determine the presence of asbestos-containing materials and/or lead-based paint
- All potentially friable asbestos-containing materials shall be removed in accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines prior to building demolition or renovation that may disturb the materials. All demolition activities will be undertaken in accordance with Cal/OSHA standards, contained in Title 8 of the California Code of Regulations (CCR), Section 1529, to protect workers from exposure to asbestos. Materials containing more than one percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations.
- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations 1532.1, including employees training, employee air monitoring and dust control. Any debris or soil containing lead-based paint or coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed.
- Demolition done in conformance with these Federal, State and Local laws and regulations, will avoid significant exposure of construction workers and/or the public to asbestos and lead-based paint.

MITIGATION MEASURES: None Required.

Issues	Potentially Significant Impact		Less Than Significant Impact	No Impact	Information Sources
VIII. HYDROLOGY AND WATER QUALITY - Would th	ie project	:			
a) Violate any water quality standards or waste discharge requirements?				\boxtimes	1,15
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				\boxtimes	1
c) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?				\boxtimes	1
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on-or off-site?					1
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				\boxtimes	1,17
f) Otherwise substantially degrade water quality?				\boxtimes	1
g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				\boxtimes	1,9
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?				\boxtimes	1,9
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?					1
j) Be subject to inundation by seiche, tsunami, or mudflow?				\boxtimes	1
k) Result in increased impervious surfaces and associated increased runoff as specified in the NPDES permit and City's Post Construction Urban Runoff Management Policy?					1

FINDINGS: : Future development of the site will be required to conform to the requirements of the National Pollutant Discharge Elimination System (NPDES) to reduce impacts or storm water quality. A Storm Water Pollution Prevention Plan (SWPP) may be required at the time of future development in compliance with State regulations to control the discharge of storm water pollutants.

Based on the FEMA flood insurance maps for the City of San Jose, the project site is not located within a 100-year floodplain and would therefore have no impact on 100-year flows. The project would not expose people to flood hazards associated with the 100-year flood. The site is not subject to seiche or tsunami.

Drainage from the developed areas of the site would be redirected to the City's existing storm drain system. The redirection of this storm water will not result in the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on-or off-site. Through conformance with Department of Public Works criteria, grading will not result in an increase in pollutant discharges to receiving waters such as heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash. Similarly, BMPs incorporated into the construction will prevent an alteration of receiving water quality during or following construction including clarity, temperature, and level of pollutants

The proposed project is approximately 0.80 acre in size. The site is currently covered with approximately 15,190 sq. ft. of impervious surface (most to remain). The proposed project will create 13,000 sq. ft. of impervious surface for a

Issues	Potentially Significant With Significant Mitigation Incorporated Impact Impact Informat	
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total of 16,273 sq. ft. of new impervious surface. The project will incorporate BMPs into the project and whenever feasible, such as pervious pavers instead of impervious concrete. These mitigation measures will decrease and/or delay the overall runoff and result in a less than significant increase storm water runoff.

MITIGATION MEASURES: Implementing the following would mitigate the impact described above:

- Prior to the issuance of a grading permit, the applicant must submit a Notice of Intent to the State Water Resources Control Board and prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity to the satisfaction of the Director of Public Works.
- Prior to the issuance of a Planned Development Permit, the applicant must provide details of specific best
 management practices (BMPs) including, but not limited to, bioswales, disconnected downspouts, landscaping
 to reduce impervious surface area, and inlets stenciled, "No dumping Flows to Bay" to the satisfaction of the
 Director of Planning, Building and Code Enforcement
- A grading permit may be required prior to the issuance of a Public Works Clearance. The construction operation shall control the discharge of pollutants (sediments) to the storm drain system from the site. An erosion control plan may be required with the grading application.
- This project must comply with the City's Post Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) that include site design measures, source controls, and storm water treatment controls to minimize storm water pollutants discharges.

IX. LAND USE AND PLANNING - Would the project:

a) Physically divide an established community?			1,2
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			1,2
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?			1,2

FINDINGS: The proposed project will not physically divide an established community. The proposed site design complies with setbacks required by the City of San Jose's Residential Design Guidelines, which seek to avoid possible impacts to surrounding land uses.

The subject site has a land use designation of Medium Low Density Residential (8.0 DU/AC) on the City of San Jose 's 2020 General Plan Land Use/Transportation Diagram and located within a residential neighborhood. The project proposes A(PD) zoning to allow for the development of 6 single-family detached residential units, of which 2 are existing, proposed to be developed at a density of approximately 7.5 DU/AC. The City's General Plan *Discretionary Alternate Use Policies* allows parcels of two acres or less with a residential land use designation to be developed at a higher or lower density range. For this reason, the project is in conformance with the City's General Plan. The project would not conflict with any adopted habitat or other conservation plan. The project is consistent with applicable land use plans and policies and would not result in any significant environmental land use impacts associated with the proposed project.

MITIGATION MEASURES: None Required.

FINDINGS: Per the San Jose 2020 General Plan, the City's acceptable exterior noise level is 60DBA and the acceptable interior noise level is 45dBA. With standard construction techniques the noise levels inside the projects units would be reduced by 15dBA. In addition, this will include mechanical ventilation, which will allow the windows to remain closed and will reduce the noise levels by 25DBA.

A recent noise study prepared by Charles Salter, dated January 2008, for a nearby site located the same distance from Bascom Avenue concluded that exterior noise at 140 feet from Bascom Avenue would be 65dBA DNL. The exterior yards for units 3, 4 and 5 (located approximately 140 feet from Bascom Avenue) would therefore be about 65 dBA DNL or less. Road noise for the exterior use area for the units 3, 4 and 5 will further be attenuated by existing two and three story buildings to the north and west that are located on Bascom Avenue.

Issues	Potentially Significant Impact	Significant With	Less Than Significant Impact	No Impact	Information Sources
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Noise from the construction of the proposed project could potentially pose a significant impact to the surrounding residential properties. To limit the construction noise impacts on nearby properties, various mitigation measures have been incorporated into the proposal.

- MITIGATION MEASURES: Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through
 Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may
 be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by
 the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to
 prevent noise disturbance of affected residential uses.
- The contractor shall use "new technology" power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poor maintained engines or other components.
- Staging areas shall be located a minimum of 200 feet from noise sensitive receptors, such as residential uses.
- Weekend construction hours, including staging of vehicles, equipment and construction materials, shall be limited to Saturdays between the hours of 9 a.m. to 5 p.m. Permitted work activities shall be conducted exclusively within the interior of enclosed building structures provided that such activities are inaudible to existing adjacent residential uses. Exterior generators, water pumps, compressors and idling trucks are not permitted. The developer shall be responsible for educating all contractors and subcontractors of said construction restrictions. Rules and regulation pertaining to all construction activities and limitations identified in this permit, along with the name and telephone number of a developer appointed disturbance coordinator, shall be posted in a prominent location at the entrance to the job site. The Director of Planning, at his discretion, may rescind provisions to allow extended hours of construction activities on weekends upon written notice to the developer.

XII. POPULATION AND HOUSING - Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			1,2
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?			1
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?		\boxtimes	1

FINDINGS: The proposed project would result in an additional 4 residential units in the area (two units exist on the site). The increase in the density will not induce substantial growth because the site is located within an urbanized area and is already designated for residential use

MITIGATION MEASURES: None Required.

XIII. PUBLIC SERVICES - Would the project:

a) Result in substantial adverse physical impacts associated with the			
provision of new or physically altered governmental facilities, the			
need for new or physically altered governmental facilities, the			
construction of which could cause significant environmental			
impacts, in order to maintain acceptable service ratios, response			
times or other performance objectives for any of the public services:			
Fire Protection?		\boxtimes	1,2
Police Protection?		\boxtimes	1,2

Pa	ge No. 1	3					
ess Than gnificant Impact	No Impact	Information Sources					
	•		,				
	\boxtimes	1,2					
		1,2					
		1,2					
	ecessar	ry to serve	or				
	\boxtimes	1,2					
	\boxtimes	1,2					
apter 19.38) and Park Impact, or both, to offset the all project is required to dication Formula outlined in includes recreational space facilities. However, the ould occur or be accelerated.							

 \boxtimes

 \boxtimes

1,18

1,2,18

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f) Result in inadequate parking capacity?

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

				8			
Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources		
Schools?	<u> </u>	П			1,2		
Parks?					1,2		
Other Public Facilities?		Ш			1,2		
FINDINGS: The project site is located in an urbanized area of San Jose, and well served by existing Fire, Police, School, Park and other Public Facilities. No additional Fire or Police personnel or equipment are necessary to serve the proposed project. As required by California Government Code Section 53080, the project will be required to pay a school impact fee for residential development to offset the increased demands on school facilities caused by the project. Therefore, the							
project will have a less than significant impact on school facilities	es.						
MITIGATION MEASURES: None Required.							
XIV. RECREATION							
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				\boxtimes	1,2		
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?					1,2		
FINDINGS: The City of San José has adopted the Parkland Dedical Ordinance (PIO) requiring residential developers to dedicate public demand for neighborhood parkland created by their housing development to the PDO and PIO. The acreage of parkland required is the Parkland Dedication Ordinance. The proposed project would increase the number of residents on the for new residents, the project would add to the residential population project is not expected to increase the use of existing parks such that MITIGATION MEASURES: None Required.	parkland of pments. Expanded upon a site. Althor using near t substantia	or pay in-lieu fe ach new reside the Acreage I accept the project arby recreations	es, or both ntial project Dedication ct includes al facilities	to offs to is req Formul recreat . Howe	set the uired to a outlined i ional space ever, the		
XV. TRANSPORTATION / TRAFFIC - Would the project	ct:						
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio of roads, or congestion at intersections)?					1,2,19		
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?					1,2,19		
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				\boxtimes	1,19		
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?				\boxtimes	1,19		
e) Result in inadequate emergency access?		П			1,20		

Issues	Potentially Significant Impact	Significant With	Less Than Significant Impact	No Impact	Information Sources
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FINDINGS: The City's Department of Public Works has analyzed the proposed project and determined that it would be in conformance with the City's Transportation Level of Service Policy (Council Policy 5-3) and would not create a significant traffic impact. This project is exempt from the Level of Service (LOS) Policy, because the project proposes less than 15 units of single-family detached units.

MITIGATION MEASURES: None Required.

XVI. UTILITIES AND SERVICE SYSTEMS - Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?		\boxtimes	1,15
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			1,2,21
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?		\boxtimes	1,17
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?		\boxtimes	1,22
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?		\boxtimes	1,21
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?		\boxtimes	1,21
g) Comply with federal, state, and local statutes and regulations related to solid waste?		\boxtimes	1,21

FINDINGS: The proposed project would not require construction of new facilities for wastewater treatment, storm drainage, water, or waste disposal because the subject site is located within the City of San Jose Urban Service Area where such facilities exist, and have the capacity to serve the proposed project.

MITIGATION MEASURES: None Required.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to (1) degrade the quality of the environment, (2) substantially reduce the habitat of a fish or wildlife species, (3) cause a fish or wildlife population to drop below self-sustaining levels, (4) threaten to eliminate a plant or animal community, (5) reduce the number or restrict the range of a rare or endangered plant or animal, or (6) eliminate important examples of the major periods of California history or prehistory?		\boxtimes	1,10
b) Does the project have impacts that are individually limited, but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects and the effects of other current projects.		\boxtimes	1,16
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		\boxtimes	1

FINDINGS: As discussed in the previous sections, the proposed project could potentially have significant environmental effects with respect to air quality, biological resources, cultural resources, geology and soils, and noise.

Issues	Significant With Mitigation Sign	uuuuu -	formation Sources
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With the above noted mitigation, however, the impacts of the proposed project would be reduced to a less than significant level.

MITIGATION MEASURES: None Required.

CHECKLIST REFERENCES

- 1. Environmental Clearance Application File No. PDC06-082
- 2. San Jose 2020 General Plan
- 3. USDA, Soil Conservation Service, Soil Survey of SC County, August 1968
- 4. USDA, Soil Conservation Service, Important Farmlands of SC County map, June 1979
- 5. State of California's Geo-Hazard maps / Alquist Priolo Fault maps
- 6. Riparian Corridor Policy Study 1994
- 7. San Jose Historic Resources Inventory
- 8. City of San Jose Archeological Sensitivity Maps
- 9. FEMA Flood Insurance Rate Map, Santa Clara County, 1986
- 10. California Department of Fish & Game, California Natural Diversity Database, 2001
- 11. City of San Jose Heritage Tree Survey Report
- 12. California Environmental Protection Agency Hazardous Waste and Substances Sites List, 1998
- 13. City of San Jose Noise Exposure Map for the 2020 General Plan
- 14. BAAQMD CEQA Guidelines, Bay Area Air Quality Management District. April 1996, revised 1999.
- 15. San Francisco Bay Regional Water Quality Control Board 1995 Basin Plan
- 16. Final Environmental Impact Report, City of San Jose, SJ 2020 General Plan
- 17. Santa Clara Valley Water District
- 18. City of San Jose Title 20 Zoning Ordinance
- 19. San Jose Department of Public Works
- 20. San Jose Fire Department
- 21. San Jose Environmental Services Department
- 22. San Jose Water Company, Great Oaks Water Company
- 23. California Division of Mines and Geology
- 24. Cooper Clark, San Jose Geotechnical Information Maps, July 1974
- 25. Preliminary Tree Report by The F. A. Bartlett Tree Expert Co
- 26. Soils and Foundation Investigation for 679-681 Elden Drive, by American Soils Testing Inc.
- 27. Phase I Environmental Site Assessment of 679-681 Elden Drive, by PIERS Environmental Services, Inc.
- 28. Phase II Environmental Site Assessment of 679-681 Elden Drive, by PIERS Environmental Services, Inc.